

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RUSSELL, et al,
Plaintiffs

v.

HARRIS COUNTY, TEXAS, et al,
Defendants

□
□
□
□
□
□

No. 4:19-cv-00226

Hon. Lee H. Rosenthal

U.S. District Judge

REPORT OF SHERIFF ED GONZALEZ JUNE 19, 2020

“One step forward, two steps back.” This comment from the Court in yesterday’s hearing aptly captures the progress at the jail.

The forward progress will not take long to relate. This week, after internal jockeying among county officials, the Sheriff announced he would release those convicted prisoners in the jail who had earned sufficient good time credits to be released. As it turned out, 36 inmates were released, with an additional 9 still in jail due to other pending charges or holds.

Last week we reported that fresh lists of 525 inmates charged with non-violent crimes and no prior violent convictions had been sent to individual felony courts. Several of the courts moved quickly to deal with their inmates, and 53 inmates from those lists were released this week. The response from the rest of the felony courts was not so robust.

On Monday June 15, 2020, the Criminal Justice Center re-opened for the felony courts. For the first time since Harvey, the felony judges re-occupied their own courtrooms. As we advised the Court at yesterday's hearing, the Sheriff presented approximately 40 inmates for bail hearings through Thursday, with all but 2 of those hearings conducted in courtrooms. In other words, only two bail hearings were held by video.

The total jail population is down slightly from last week, 8092 as of midnight compared with 8,117 last week. Felony pre-trial detainees dipped a small amount, too, to 6,146. The Court wanted to know why—with all the stakeholders seemingly pulling together to reduce the jail population—we see no real progress.

There is no easy answer. We previously reported, for example, that the Texas Department of Corrections had stopped accepting transfers of convicted inmates during the COVID crisis. This week, TDC announced that beginning July 2 it would take 22 male prisoners from the Harris County jail. We do not yet know if that begins a gradual return to the pre-COVID practices.

Many other factors, deeply engrained in the DNA of the state bail system, may also be at work. As we have noted, the level of diligence among the felony courts varies widely, as does the level of diligence of the defense bar. While the leaders pay lip service to the ideals, the rank-and-file may not be so easily led. But more fundamentally, there appears to be a historic reluctance by many to seek or grant

personal bonds. In fact, the results of many bail hearings may still be the imposition of money bail that the defendants cannot pay. These practices cannot be changed by mere good intentions expressed in weekly conference calls.

Now, some additional numbers:

1. 355 HCSO staff tested positive; 324 still on quarantine; and 603 initially quarantined and back to work.
2. 2,995 inmates tested; 1,959 negative; and 1,036 positive.
3. 934 inmates in observational quarantine; 648 inmates in buffer quarantine; and 159 in surveillance quarantine (asymptomatic but tested positive).

Respectfully submitted.

/s/ Murray Fogler

Murray Fogler
FOGLER, BRAR, O'NEIL & GRAY, LLP
S.D. Tex. No. 2003
State Bar No. 07207300
mfogler@foglerbrar.com
909 Fannin, Suite 1640
Houston, Texas 77010
Tel: 713.481.1010
Fax: 713.574.3224

Victoria Jimenez
Legal Director
Harris County Sheriff's Office
1200 Baker St.
Houston, Texas 77002
Tel: 346.286.1588
Victoria.Jimenez@sheriff.hctx.net

ATTORNEYS FOR SHERIFF ED GONZALEZ

CERTIFICATE OF SERVICE

I certify that on June 19, 2020, a copy of this document was served on counsel of record via electronic filing in accordance with the USDC Southern District of Texas Procedures for Electronic Filing.

/s/ Murray Fogler
Murray Fogler